



Appl. No. 09/642,221

Response to Office Action Dated May 16, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ryukou Arisawa, et al.  
Serial No.: 09/642,221  
Filed: August 18, 2000  
Title: PORTABLE CELLULAR PHONE

Examiner: Charles Nana Appiah  
Art Unit: 2686

Docket No.: 32892

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Response to Office Action and Terminal Disclaimer

Sir:

This communication is filed in response to the Office Action dated May 16, 2006. The claims in this application have been rejected for obviousness type double patenting over U.S. Patent No. 7039686. The three-month period for responding to the Office Action expires on August 16, 2006.

The owner, Matsushita Electric Industrial Co., LTD., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on the dated indicated below.

\_\_\_\_\_  
Michael W. Garvey

\_\_\_\_\_  
Signature of Attorney

August 8, 2006

\_\_\_\_\_  
Date

08/11/2006 SSESHE1 00000102 09642221

01 FC:1814


130.00 DP

terminal disclaimer, of prior U.S. Patent No. 7,039,686. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and prior U.S. Patent No. 7,039,686 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory terms as defined in 35 U.S.C. 154 to 156 and 173 of prior U.S. Patent No. 7,039,686, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee of \$130.00 under 37 CFR 1.20(d) is enclosed. If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32892.

Respectfully submitted,  
PEARNE & GORDON LLP

  
\_\_\_\_\_  
Michael W. Garvey - Reg. No. 35,878

Date: August 8, 2006

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700